

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ARISTA RECORDS LLC; ATLANTIC
RECORDING CORPORATION; ARISTA
MUSIC, fka BMG MUSIC; CAPITOL
RECORDS, LLC, fka CAPITOL RECORDS,
INC.; ELEKTRA ENTERTAINMENT
GROUP INC.; INTERSCOPE RECORDS;
LAFACE RECORDS LLC; MOTOWN
RECORD COMPANY, L.P.; PRIORITY
RECORDS LLC; SONY MUSIC
ENTERTAINMENT, fka SONY BMG
MUSIC ENTERTAINMENT; UMG
RECORDINGS, INC.; VIRGIN RECORDS
AMERICA, INC.; and WARNER BROS.
RECORDS INC.,

Plaintiffs,

v.

LIME WIRE LLC; LIME GROUP LLC;
MARK GORTON; and M.J.G. LIME WIRE
FAMILY LIMITED PARTNERSHIP,

Defendants.

06 Civ. 05936 (KMW)
ECF CASE

**PLAINTIFFS' LISTING OF PROPOSED VOIR DIRE QUESTIONS RELATING TO
THE INTERNET**

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Date: April 20, 2011

Pursuant to Paragraph 3 of the Court's April 14, 2011 Order, Plaintiffs respectfully submit the following list of internet-related voir dire questions in order of importance to Plaintiffs.

The list below does not include Proposed Questions 1, 2, 3 or 16 from Plaintiffs' Proposed Voir Dire in the Joint Pretrial Order (Dkt. No. 666, at 22-24). The Court stated at the first pretrial conference that it was unlikely to ask Plaintiffs' Proposed Questions 1 and 2. Apr. 14, 2011 Hr'g Tr. at 26:4-5. Plaintiffs' Proposed Question 3 (Are you or is a family member a musician?) does not involve the internet, and Defendants have not objected to it. The Court indicated it would ask a question regarding estate planning, and Defendants stated they do not object to Plaintiffs' Proposed Question 16 (Have you done estate planning, including a living trust for yourself or your family?). *Id.* at 29:25-30:4.

The list below also does not include Plaintiffs' Proposed Question 11 (Have you heard of LimeWire, and have you used it?). The subject of LimeWire use is covered by the voir dire procedures the parties have been discussing with the Court, and Defendants appear to agree that, regardless whether a prospective juror has used LimeWire, the Court should ask the members of the venire what if anything they know about LimeWire. *See* Defendants' Proposed Question 3.b. Plaintiffs think it is imperative that the Court ask prospective jurors if they know anything about LimeWire or this case.

Plaintiffs rank their remaining questions, in order of importance, as follows:

10. Have any of you heard of Napster, Grokster, Kazaa or BitTorrent, and if so, what if anything have you heard about them?

9. What is the most common method by which you currently obtain permanent copies of music (i.e., purchasing CDs, purchasing music on iTunes, CD burning, stream ripping)?

15. Do you have any opinions about record companies or recording artists and musicians, and if so, what are those opinions?

12. Have you heard of lawsuits brought by the record companies against people who have downloaded music files over the internet? What have you heard about these lawsuits? Do you have any opinions or views about these lawsuits?

13. Have you heard that piracy on the internet has had an effect on the record industry, and if so, what have you heard? Do you have any opinions or views about that subject?

5. Do you have a view as to whether music, books, or movies that you can download on the internet are or should be free?

6. Have you or has a family member ever downloaded music, videos, books or movies on the internet? What program or programs did you or your family members use?

7. Have you ever exchanged music, videos, books or movies on the internet? What program or programs did you use?

4. Do you use the internet on a regular basis?

8. What is the most common method by which you listen to music (i.e. on your stereo, on your computer, on your iPod, AM/FM radio, Internet streaming service, satellite radio)?

14. Do you feel that certain types of music should not be sold or protected under the law, and if so, why? What types of music would that be?

Dated: April 20, 2011

Respectfully submitted

s/ Kelly M. Klaus
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